

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, FEBRUARY 06, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Reese Nielsen	Vice-Chairman
	Patti Ellis	Commissioner
	David Hipp	Commissioner
	Joan Peterson	Commissioner
	Miles Brown	Alternate
CITY STAFF:	Mark Teuscher	City Planner
	Eliza McGaha	Administrative Secretary
EXCUSED:	Steve Hill	City Council Liaison
	Kevin Lane	Chairman
	Bill McGaha	Commissioner
	Barbara Poelman	Commissioner

AGENDA

6:00 p.m.	WORK SESSION – AGENDA REVIEW
6:30 p.m.	REGULAR MEETING
6:31 p.m.	PLEDGE OF ALLEGIANCE
6:33 p.m.	ELECT CHAIR FOR 2007 CALENDAR YEAR
6:35 p.m.	APPROVAL OF THE JANUARY 16, 2007 WORK SESSION MINUTES AND REGULAR MEETING MINUTES
6:40p.m.	APPLICATION #2887 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO PARK VIEW “LTTL” SUBDIVISION / CORNER OF 600 WEST AND FOREST STREET / ANVIL CONSTRUCTION
6:55 p.m.	APPLICATION #2886 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO PLANNED UNIT DEVELOPMENT SUBDIVISION – PRELIMINARY PLAT / 815 NORTH 100 EAST / JOHNNY HULSE
7:05 p.m.	APPLICATION #2890 / CONDITIONAL USE PERMIT / METAL RECYCLING / 625 EAST 100 SOUTH / BARBARA BELL
7:15 p.m.	APPLICATION # 2870 / CONTINUANCE OF PETITION TO CHANGE SIDE YARD SETBACK / 430 SOUTH 100 EAST / BRUCE E. WOOD
7:25 p.m.	APPLICATION #2883 / DESIGN REVIEW – STORAGE SHED / 75 NORTH 900 WEST / ASSOCIATED BRIGHAM CONTRACTORS INC. / TED VALENTINE
7:35 p.m.	APPLICATION #2810 / DESIGN REVIEW – PROFESSIONAL OFFICE RETAIL SALES – MODIFICATION TO THE CONDITIONS OF APPROVAL / 1125 & 1149 SOUTH 450 WEST / DON ROBINSON
7:45 p.m.	APPLICATION #2885 / CONDITIONAL USE PERMIT – ESSENTIAL SERVICE FACILITY COMMUNICATION TOWER / 380 SOUTH 600 WEST / KURT KRUSINSKI
7:55 p.m.	APPLICATION #2832 / NORTH FORTY PHASE III / RECOMMENDATION FOR DEFERRAL OF IMPROVEMENTS / SOUTH SIDE OF 1200 NORTH STREET ADJACENT TO THE JOSEPH MAX REEDER PROPERTY
	PUBLIC INPUT:
	DISCUSSION:

REGULAR MEETING

Commissioner Nielsen opened the meeting at 6:33 p.m. Miles Brown led the Pledge of Allegiance.

MOTION: A motion was made by Miles Brown to amend the agenda to remove the election of Chair for 2007. The motion was seconded by Commissioner Peterson and passed unanimously.

APPROVAL OF THE JANUARY 16, 2007 WORK SESSION MINUTES AND REGULAR MEETING MINUTES

MOTION: A motion was made by Commissioner Peterson to approve the Tuesday, January 16, 2007 work session minutes. The motion was seconded by Miles Brown and the motion unanimously carried.

MOTION: A motion was made by Miles Brown to approve the Tuesday, January 16, 2007 regular meeting minutes. The motion was seconded by Commissioner Peterson and the motion unanimously carried.

APPLICATION #2887 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO PARK VIEW "LTTL" SUBDIVISION / CORNER OF 600 WEST AND FOREST STREET / ANVIL CONSTRUCTION

This is an 8-lot subdivision on the northwest/northeast corner. There are 6 lots facing onto 600 West and two parcels facing onto Forest Street. Parcel one has an existing home on it.

MOTION: A motion was made by Miles Brown to open the public hearing for **APPLICATION #2887**. The motion was seconded by Commissioner Hipp and passed unanimously.

There was no public comment.

MOTION: A motion was made by Commissioner Peterson to close the public hearing for **APPLICATION #2887**. The motion was seconded by Miles Brown and passed unanimously.

Parcel one will still be non-conforming but will be less non-conforming with the property line running right through the middle of it. The only issue is that the Building Code requires a five-foot separation and the builder will be asked to make adjustments.

MOTION: A motion was made by Miles Brown to forward to City Council with recommendation for approval **APPLICATION #2887** based on the findings of fact that the applicant will comply with Staff recommendations, such use will not under the circumstances of the particular case be detrimental to the health, safety and general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2886 / PUBLIC HEARING / TO RECEIVE INPUT RELEVANT TO PLANNED UNIT DEVELOPMENT SUBDIVISION – PRELIMINARY PLAT / 815 NORTH 100 EAST / JOHNNY HULSE

MOTION: A motion was made by Miles Brown to open the public hearing for **APPLICATION #2886**. The motion was seconded by Commissioner Peterson and passed unanimously.

Rulon Nelsen came to the table. Mr. Nelsen stated that he is the property owner just south of the proposed subdivision and asked, in regards to parking, what kind of covering was being proposed and how close to the fence it would be. He stated that he had a fence to keep the weeds down. He was concerned about the sprinkler system damaging his fence. Mr. Teuscher replied that the parking area would be open with asphalt and the fence area will have a 5-foot separation with permanent landscaping. A fence will be required. The builder will have to negotiate with Mr. Nelsen on the fencing. The parcel, currently, does not conform with the commercial zone and the developer will have to go to the Appeal Authority for a variance because of the number units requires a 20-foot separation from the south property line. A variance is needed to reduce that.

MOTION: A motion was made by Commissioner Hipp to close the public hearing for **APPLICATION #2886**. The motion was seconded by Commissioner Ellis and passed unanimously.

Staff recommended continuing this application pending further input and further coordination with the applicant.

Johnny Hulse and Danny Hulse came to the table. Mr. Teuscher explained to them the reason they need a variance. The applicants said they had not seen the Staff comments. Mr. Teuscher said the Staff comments had been mailed out.

MOTION: A motion was made by Miles Brown to continue **APPLICATION #2886** until the March 20, 2007 meeting to give the applicant time to take the necessary items on the setbacks to the Appeal Authority and complete the work with the planning Staff and at that time the Commission will continue to consider this application. The motion was seconded by Commissioner Peterson and the motion carried unanimously.

APPLICATION #2890 / CONDITIONAL USE PERMIT / METAL RECYCLING / 625 EAST 100 SOUTH / BARBARA BELL

Larry and Barbara Bell approached the City and initially wanted to change the Zoning Code. At this time, they have proposed an approval of a home occupation, as a conditional use permit, primarily for a metal transport business service. This would be a place where people can drop off metal items or call for pick-up and those items would be placed on a trailer and then transported to an off-site recycling center in Ogden. The parcel is unique and is a legal non-conforming use. The location of the proposed area is adjacent to a public right-of-way which would conflict with the minimum setbacks and therefore would not work in the proposed location.

Barbara and Larry Bell came to the table. The Bell's stated that they had seen and read the Staff evaluation.

Miles Brown stated that their proposal did not quite fit with his interpretation of a home operated business and asked the Bell's why it should be considered a home operated business other than the fact that it is in a residential area. Mr. Bell replied that he mistakenly thought their operation was legal since they had been doing it for years. They had a big pile in the back and had semis come in and load them up from there. They want to reduce the operation down so it is not a mess and fence it into a small area. It has not been open to the public. The metal would be placed on flat-bed trailers and not on the ground. From there, the metal would be moved to a larger trailer and taken to Ogden about once a week. Mrs. Bell stated that this operation is a service that people want them to provide. In regards to vehicles, the Bell's stated that they would pick up large items or if vehicles were brought to them they would be taken down to Ogden immediately. They have a contract with Brigham City to pick up refrigerators and need to have a place to put them until they have a large enough load to take to Ogden. Mrs. Bell stated that, with their health the way it is, this is something they can do put food on the table and take care of their family.

Commissioner Ellis asked how arrangements would be made if the public came to do a noncommercial drop-off; if someone would be there to oversee that or would the items just be dropped off. Mrs. Bell replied that in the past it has just been open. There is a sign that says to call before dropping items off and she said that 90% of the people call and ask permission before dropping off. Mrs. Bell stated that, if the proposed site is not allowable, they have three other sites to choose from. In this instance, they would fence the area, lock it and there would be a sign indicating that people call to make arrangements to drop-off items that would be allowed. Mrs. Bell stated that the metal recycling would consist mostly of bikes, refrigerators, freezers, dryers, washing machines, some car parts and basic clean-up items that people don't want laying around their yard and she feels that this service will help beautify the city. She commented that they have had a lot of calls from people that want to have them take their recyclable materials but are disappointed that the Bell's are not able to do so.

Commissioner Nielsen asked how the Bell's planned on maintaining control over what was being dropped off at that location. Mrs. Bell replied that there will probably always be someone who will try to drop off an item without prior consent but she said they will watch for that and the area will be cleaned up daily. She said the best they can do is to have a locked gate where the recycling is designated to be with a sign indicating to call for permission to dump.

Miles Brown commented that he is very much in favor of home operated businesses but he has an issue with this type of business in a residential area. He stated that although he believes that this service is needed, he does not feel that locating it in a residential neighborhood is the right place for it and based on the Staff comments, the location does not meet the criteria for this type of operation. Mr. Bell asked if they could move the recycling area to a different location on their property which would not be residential. Mr. Teuscher stated that it is a multi-use zone and because it is a nonconforming use, the only use that could be approved there is a home or a home-based business.

Commissioner Nielsen asked Mr. Teuscher if there would be a way to establish a set of recommended conditions on the use such as a locked gated area that is out of sight, a limit on the size of objects or some such condition as to get approval

from the Staff. If there is a possibility of doing so, he suggested continuing this application until an amicable solution can be attained or the Bell's can come back with a substantive change to their approach and try again.

Mrs. Bell addressed a letter of concern they had regarding Freon. She stated that they are certified and have gone through the courses and have all of the equipment to remove Freon.

Commissioner Petersen asked what zoning area this type of business would be appropriate in. Mr. Teuscher replied that under the current Code it would be appropriate under the M-G (General Manufacturing) which would be located primarily in the northwest quadrant of the city. Mrs. Bell commented that they had thought about that but the operation does not bring in enough to make that feasible.

Gary Hunzeker came to the table. He stated that he lives at 145 South 600 East. Mr. Hunzeker stated the he would not like to see an operation like this in that particular location. In his prior experience with a home business, he had been monitored to make sure he stayed within certain guidelines and he asked who would monitor the amount of metal dropped off at the Bell's to make sure it is operated on an acceptable home business level. Mr. Teuscher responded that when a Conditional Use is written up all of the conditions under which the use can operate are listed in the permit and then the permit is signed by the property owner and City Staff. It then becomes the responsibility of the City Staff to make sure they stay in compliance; if they do not, it becomes an enforcement case. Mr. Hunzeker stated that he had asked the Bell's son-in-law if he knew of oil being dumped in that area and he replied that if people did not dump the oil there they would dump it somewhere else. Mr. Hunzeker commented that to him the Bell's know that more than metal material is dumped there and they are allowing it. He felt that issue should be brought up because they are right next to the creek and if that dumping area is not controlled, there will be all kinds of problems downstream. The main thing he wanted to say was that he does not want a recycle business of that magnitude in his neighborhood.

Marie Leatham came to the table. She stated that she lives at 73 South 600 East. She stated she would not be opposed to this operation and she supports them in their recycling efforts if there is a way the operation could be made to work for the City and the Bells.

André Pommier came to the table. He stated that he lives at 95 South 600 East and has property adjoining the Bell property. He stated that they have a healthy neighborhood with a good mix of old homes and new ones under construction. There are historic sites, a school, churches, duplexes and apartments. It is a well balanced neighborhood. The worst part of living there is Parsons and all the dust that it creates but that was known when everyone moved there and they knew the nature of the neighborhood. There is a natural buffer between Parsons and the neighborhood with the creek running through there and to change the nature of the neighborhood by allowing a recycling center would really affect the aesthetics and the property values in the neighborhood. Mr. Pommier commented that as he was reading through the City standards for a home occupation, he said it seemed to stress very strongly that a home occupation should not affect the aesthetic character of the dwelling or neighborhood. His feeling was that a recycling center would affect the neighborhood. He gave an example of one of the neighbors. He passed around photos showing what has been there for the last few years as the Bell's have been running their recycling business. He stated that he could not see any of the Commissioners allowing that next to their own homes. He made comment on the metal recycling of Parson's Auto Recycling in the gateway into Brigham City. They specialized in automobiles and the Bell's are willing to take in automobiles and so essentially it is a similar situation. Mr. Pommier stated that he had gone down to the green waste recycling facility and in addition to the green waste he saw that there is a recycling bin for metal and another for plastic. He stated that he has seen the City make an effort in the past to designate an area, once a year, for people to bring their recyclable materials so the City could dispose of it for them. He stated that he did not want to be offensive but he it is hard to distinguish between a metal recycling place and a junk yard which does not help the aesthetic value of the neighborhood. He felt it would seem wrong to burden their neighborhood with something that would be very difficult to regulate.

Guy Ronnie Howard came to the table. He stated that he lives at 615 East 100 South and has lived there for 30 years. Ever since that dirt road and bridge has been put in they get nothing but dust. There is a lot of traffic and no stop sign. If the lot is muddy then it tracks mud out onto the road and it makes a mess in front of his place. He stated that he wanted to put storage sheds there when they moved in and was turned down because he was told there could be no standing buildings but orchards of fruit trees or Christmas trees could be planted. He stated that his house value is going down because of the recycle area. He said he has seen oil dumped there and batteries thrown out of the back of trucks. It is right over the aquifer for the Cooley well. Mr. Howard stated that he was walking his dog over there and saw oil dumped out of two 55-gallon drums from the back of a one-ton truck. He stated that the Bell's did not know about it. It does not seem the right type of place to have a business like that.

Odell Smith came to the table. Mr. Smith stated that he lives right across the road from the proposed location and if this application was approved, he would receive all of the parcels of metal. He said that people have been doing that all a long. He stated that there has been pipe, board, glass, nails and old oil dumped there. He also said that cement trucks stop and wash their barrels out. Mr. Smith stated that the speed with which drivers careen around the corner is a hazard.

Don Robinson came to the table. He commented that he felt this would be an opportunity for the City to go proactive with the Bell's being willing to do the recycling. He said that while he did not know the logistics, it seems like the City could help a business while being a good neighbor.

MOTION: A motion was made by Miles Brown to deny **APPLICATION #2890** based on the findings of fact that the Conditional Use permit is not in compliance with Chapter 29.06 Conditional Uses and Chapter 29.20 Home Occupations and such use will under the circumstance of this particular case be detrimental to the health, safety and general welfare of persons residing or working in the vicinity and injurious to property and improvements in the vicinity and such use is not in compliance with the General Plan. The motion was seconded by Commissioner Hipp and the motion carried unanimously.

APPLICATION # 2870 / CONTINUANCE OF PETITION TO CHANGE SIDE YARD SETBACK / 430 SOUTH 100 EAST / BRUCE E. WOOD

Mr. Wood has been working with the city for a number of years to reduce the side yard setback. His property is currently within the Commercial Zone which also applies the R-M-30 Zone. At the last planning commission meeting Mr. Wood asked the Staff to complete a survey. Mark prepared a memo in which he showed seven different jurisdictions in which their setbacks were evaluated. The Staff's view is that the City should probably not reduce the setback at this time. Jared Johnson, Brigham City Chief Building Official, wrote a letter indicating that the Building Code would discourage anything less than five-feet due to fire code requirements. The City is also in the process, as part of the update to the General Plan, of reviewing all of the setbacks. Staff recommended, at this time, to not do anything on this application and as part of the Zoning Code rewrite, the setbacks will be evaluated.

Bruce Wood came to the table. Mr. Wood handed out a document to the Planning Commission. He said that he has been talking with the City about this situation since about 2001 in going to the Board of Adjustments and the Planning Commission and the various things that caused it to take that length of time. He said he canvassed 15 cities from Smithfield to Nephi to see what specifics they had in their setback requirements. There was a significant variation and even one city that had a 20-foot minimum sideyard. Through his research, Mr. Wood found two cities that allowed accessory structures nearer to the property line than the six feet currently allowed by Brigham City Ordinance. Logan City allows a 1-foot setback if the structure is no more than 120-square feet and no taller than 10; it must also be a removable building. Springville has a 3-foot allowance for accessory structures less than 8-feet tall and 120-square feet and must be 6-feet from the principle structure. From those examples, it is seen that there are different approaches as to how the side yard is handled. Mr. Wood proposed the side yard requirement be amended to allow removable accessory structures to be 3-feet from the property line, provided they are closed structures no more than 120-square feet, open-sided structures no more than 240-square feet with either size not allowed to be more than 10-feet tall and made of a non-flammable material and the structure must be removable; also, the total side yard dimension must be met. The size of Mr. Wood's carport is 10 x 20-feet. He had it narrowed to fit the area he put it in.

Commissioner Nielsen asked Mr. Teuscher at what point, in the currently undergoing rewrite of the Zoning Code, would this particular section be looked at. Mr. Teuscher replied that it would most likely be after the first of July. A consultant will be hired to review all of the zones and bring them inline with the General Plan. Commissioner Peterson commented that it would not be advisable at this point to make a recommendation on this application as the Code will be rewritten and things could still change.

Mr. Wood stated that he put an advertisement in the paper, in regards to changing the Code for this issue, and he received a minimum of 20 calls from people who would be in favor of such a change. He said he could gather their signatures and present them, if that would be important to the Planning Commission.

Miles Brown agreed that acting on this application, at this time, may not be in the City's or Mr. Wood's best interest. He asked Mr. Teuscher what action should be taken since Staff recommended to not act upon it at this time. Mr. Teuscher suggested denying the application and Mr. Wood's proposals would be taken into account as part of the rewrite. Commissioner Peterson asked what kind of relief Mr. Wood could get if this application was denied. Mr. Teuscher replied that, at this point, there would be no relief for Mr. Wood as he had already been to the Appeal Authority and his request had been denied. The denial from the Appeal Authority was based on the fact that Mr. Wood is capable of putting this carport in another location and by doing so would be able to meet the code. In order to grant a variance, there must be a physical hardship associated with the property that is impossible to comply with in order to meet the Code. Mr. Wood has no physical hardship associated with the property; he could actually put the carport behind the home and be in compliance with the Code. Mr. Wood's issue is more associated with his family's needs which do not qualify as a physical hardship under the State Code definition.

Since the Code is going to be rewritten, Mr. Wood asked if there is any reason not to continue his application until that time. When that Code is rewritten, if his application still does meet the Code then, at that time, Mr. Wood will do whatever is needed.

Mr. Teuscher restated that both the Building Inspection Department and the Fire Department were very uncomfortable with the low setback. The Building Official had serious concerns about how to bring this structure into compliance with the changes to the Code. Most jurisdictions do not have setbacks that low.

Commissioner Nielsen stated that the existing structure is currently not in compliance and what Mr. Wood is asking for is a modification to allow a special circumstance to occur. Mr. Wood agreed and added that it would be for those people who want to have a carport or have a smaller shed that is an enclosed building.

Mrs. Wood came forward and asked if it would help to get the disability people involved in this action. Mr. Teuscher replied that the American Disability Act (ADA) applies to the Building Code but does not apply to the Zoning Code. Mrs. Wood said that the last time they were at Planning Commission with this application, Mr. Teuscher said that fires are fought from the front and back and not to the sides and she wanted to know why this issue was being pushed, if that was the case with the fire issue. Mr. Teuscher replied that separation between structures from one parcel to another are required so if there is a fire on one structure it will not spread to another structure. By allowing structures to come closer and closer to the property line limits the ability of the fire department to contain a fire from one structure to another thus creating a potential hazard. Mrs. Wood asked if anyone had driven around town and seen what other people have as compared to their structure. Mr. Teuscher stated that they had and each would have to be considered on a case-by-case basis. Mrs. Wood stated that, sometimes, she felt that the City does not care about people with handicaps. They have been fighting this issue for a long time. She asked if they had enough room for a ramp and Mr. Teuscher said there are exceptions in the Code for ADA ramps.

Action on this application got lost when the former Community Development Supervisor left employment with the City and Mr. Teuscher came on board. This is an issue of zoning and setback. Mr. Wood stated that he had removed a garage from the side of his house that was no wider than the carport is. The carport does not sit over the foundation of the old garage; the foundation is still there but the carport sits in front of it. Mr. Wood stated that since he had a building, to that point, he had not realized there would be a problem putting a carport in that same area.

Mr. Teuscher suggested that the Planning Commission direct Staff to make changes to the Code or recommend denial to the City Council.

MOTION: A motion was made by Commissioner Ellis to deny APPLICATION # **2870** based on the fact that the request is outside of the abilities of the Planning Commission and to forward on to City Council for additional consideration. The motion was seconded by Commissioner Peterson and the motion carried unanimously.

APPLICATION #2810 / DESIGN REVIEW – PROFESSIONAL OFFICE RETAIL SALES – MODIFICATION TO THE CONDITIONS OF APPROVAL / 1125 & 1149 SOUTH 450 WEST / DON ROBINSON

This application was continued as the applicant was asked to submit a revised elevation showing what the building would look like, as they are proposing. The rock work will be around the foundation. The stucco body of the building will be the same as the shop and the stucco trim will be consistent with the rest of the proposed stucco trim. On the shop, it is proposed to put in keys instead of extending the rock all the way up the building.

Brian Walker and Don Robinson came forward. Mr. Walker commented that he appreciated the Planning Commission's wisdom in wanting a drawing so there will no misunderstanding as to what is expected and required. Mr. Robinson said that after all of the months of meetings, the last direction he recalled was to follow the spirit of the guidelines. He said that he, as the builder, had asked Mr. Walker what he wanted and then researched the guidelines as to what would fit and then proceeded with construction. He hoped the revised elevation would be accepted by the Commission.

MOTION: A motion was made by Commissioner Hipp to approve the modifications to **APPLICATION #2810**. The motion was seconded by Commissioner Ellis and the motion carried unanimously.

APPLICATION #2832 / NORTH FORTY PHASE III / RECOMMENDATION FOR DEFERRAL OF IMPROVEMENTS / SOUTH SIDE OF 1200 NORTH STREET ADJACENT TO THE JOSEPH MAX REEDER PROPERTY

Originally in the North Forty Phase III, this was shown as a half-street. Part of the Preliminary Plat approval did not allow those lots facing that road to be developed. Mr. Mitchell approached Max Reeder, who owns a large parcel that fronts on 500 West, and asked him if he would be willing to dedicate property to the road that will be put in there in the future. The entire road has to be improved including curb, gutter and sidewalk. Mr. Reeder is not proposing any development at this time nor does he propose to ever subdivide it, so he is giving the City that half of 1200 North. Staff has debated the issue of installing curb and gutter. Mr. Reeder did not want to have any improvements made because of his lack of plans to improve and has asked to have the curb, gutter and sidewalk deferred. Mr. Reeder is willing to sign a Hold-Harmless agreement recognizing that he will possibly have runoff onto his property. Mr. Reeder said he has no problem with that

and will not sue the City over that matter. Typically, sidewalk would be deferred but in this case, because Mr. Reeder does not know what he will do, he does not want to have curb and gutter already in place. Commissioner Nielsen commented that with any significant rain, snow, melt or runoff, the south side of that street will be a mess for the adjacent property owners. It will also make it difficult when curb and gutter is installed because that side of the road will need to be repaired. Mr. Teuscher stated that Kent Jones, City Engineer, is adamant that there be curb and gutter. Commissioner Nielsen commented that it seemed, to him, that it would be much easier to install the curb and gutter now. Some money may be saved right now but looking down the road, it is just asking for trouble. At some point, development will go into the south side of that street and at that time the curb and gutter will need to be done. No water or sewer lines are proposed to be stubbed into that property and so the road will need to be cut into, anyway, when future development goes in. There are pros and cons either way. The deferral will burden the Reeder property or whoever purchases that property. One of the issues regarding foot-traffic is that there will be sidewalk on the north side of that street. There is no access out to 500 West. If sidewalk is required and Mr. Reeder develops his property then the sidewalk will be destroyed during construction. The comment was made that it would be unwise to allow the developer to make a street that does not meet the standard. Deferral of sidewalk is recommended for the south side of the road.

MOTION: A motion was made by Miles Brown to forward to City Council with the recommendation to approve the deferral of sidewalk for **APPLICATION #2832** with the stipulation that the contractor be required to install curb and gutter at the time the road is put in. Based on the findings of fact that the applicant shall comply with Utah Code 10-9a and Brigham City Code Chapter 25 Subdivision Ordinance; such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or public improvements in the vicinity and such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Ellis and the motion carried unanimously.

PUBLIC INPUT:

There was no public input.

DISCUSSION:

MOTION: A motion was made by Miles Brown to adjourn. The motion was seconded by Commissioner Peterson and the motion carried unanimously.

Meeting adjourned at 8:31 p.m.

This certifies that the regular meeting minutes of February 06, 2007 are a true and accurate copy as approved by the Planning Commission on May 15, 2007.

Signed: _____
Jeffery R. Leishman, Secretary